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OCT 25 2006

PATENT

Serial No. 10/517,918

Amendment in Reply to Final Office Action mailed on August 24, 2006

REMARKS

The following remarks are being filed in response to the Final Office Action mailed on August 24, 2006, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the following remarks and arguments are respectfully requested.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended for better conformance to U.S. practice.

By means of the present amendment, claims 2-10 and 12-13 have been amended for better conformance to U.S. practice, such as beginning the dependent claims with 'The' instead of 'A'. Claims 2-10 and 12-13 were not amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Final Office Action, Claims 1-13 are rejected under 35 U.S.C. §112, first paragraph for allegedly failing to comply with the written description. Without agreeing with the Examiner, and

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to advance prosecution and expedite allowance, independent claims 1, 11 and 14 have been amended to remove the features noted by the Examiner. In particular, independent claims 1 and 11 have been amended to substantially revert to the originally filed claims 1 and 11 and for better clarity. Thus, independent claims 1 and 11, as well as independent claim 14, have not been amended in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents. Accordingly, withdrawal of this rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

In the Final Office Action, Claims 1-8 and 11-14 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent Publication No. 2002/0003762 (Dekker). Further, Claims 9 and 10 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Dekker in view of U.S. Patent No. 6,456,584 (Nagata). It is respectfully submitted that claims 1-32 are patentable over Dekker and Nagata for at least the following reasons.

Dekker shows in FIGs 1A-1B a series of erase pulses occurring during a low period 12. As clearly shown in FIGs 1A-1B, at the beginning of the low period 12, the power level of the control

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signal 21 is zero since it is below the erase power level P_e , as described on page 2, paragraph [0022], lines 3-4. Thus, the Dekker erase pulses do not coincides with a beginning of the low period 12, and also do not substantially fill the low period 12. Further, FIGs 1A-1B of Dekker show at least four erase pulses during the low period 12, while FIG 1C shows one erase pulse.

In stark contrast, the present invention as recited in independent claim 1, and similarly recited in independent claim 11, which, amongst other patentable elements, requires (illustrative emphasis provided):

wherein said erase radiation beam between two successive sequences of pulses for writing marks consists of only three erase periods.

An erase radiation beam that consists of only three erase periods is nowhere taught or suggested in Dekker. Rather, Dekker teaches one or four erase pulses during the low period 12 as shown in FIGs 1A-1C. Nagata is cited to allegedly show other features and do not remedy the deficiencies in Dekker.

Accordingly, it is respectfully submitted that independent claims 1 and 11 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted

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that claims 2-10 and 13-13 should also be allowed at least based on their dependence from independent claims 1 and 11.

Further, the present invention as recited in independent claim 14, and similarly recited in independent claims 19 and 22, which, amongst other patentable elements, requires (illustrative emphasis provided):

wherein said erase radiation beam has a first erase power level for a first erase period followed by a second erase power level higher than said first erase power level for a second erase period followed by a third erase power level lower than said first erase power level for a third erase period.

These features are also nowhere taught or suggested in Dekker, Nagata, and combination thereof. Rather, Dekker teaches in FIGs 1A-1C one erase power that is higher than or equal to another erase power.

Accordingly, it is respectfully submitted that independent claims 14, 19 and 22 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 15-18, 20-21 and 23-24 should also be allowed at least based on their dependence from independent claims 14, 19 and 22.

The present invention as recited in independent claim 25, and

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similarly recited in independent claim 27, which, amongst other patentable elements, requires (illustrative emphasis provided):

wherein the recorded marks represent data including a high period and a low period, and wherein a start of the erase radiation beam substantially coincides with a beginning of the low period.

These features are also nowhere taught or suggested in Dekker, Nagata, and combination thereof. Rather, the Dekker erase pulses do not coincides with a beginning of the low period 12, and have a zero level below the bias or erase levels of P1, P2 or Pe as clearly shown in FIGs 1A-1C. It is respectfully submitted that the zero level that coincides with a beginning of the low period 12 cannot be deemed to be a pulse; a zero is simply is not a pulse.

Accordingly, it is respectfully submitted that independent claims 25 and 27 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 26 and 28 should also be allowed at least based on their dependence from independent claims 25 and 27.

The present invention as recited in independent claim 29, and similarly recited in independent claim 31, which, amongst other patentable elements, requires (illustrative emphasis provided):

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wherein the recorded marks represent data including a high period and a low period, and wherein the erase radiation beam includes pulses that substantially fill the low period.

These features are also nowhere taught or suggested in Dekker, Nagata, and combination thereof. Rather, the Dekker erase pulses do not substantially fill the low period 12, as evident by the zero level shown in FIGs 1A-1C during the beginning of the low period 12.

Accordingly, it is respectfully submitted that independent claims 29 and 31 should be allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 30 and 32 should also be allowed at least based on their dependence from independent claims 29 and 31.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of

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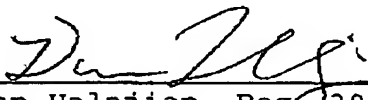
the Examiner's statements are conceded. And in particular, no Official Notices are conceded.

It is believed that no additional fees or charges are currently due beyond the fee for the Request for Continued Examination (RCE) and the fee for additional claims to be charged to the credit card as noted by the enclosed authorization. However, in the event that any additional fees or charges are required for entrance of the accompanying amendment, they may be charged to Applicants' representatives Deposit Account No. 50-3649. In addition, please credit any overpayments related to any fees paid in connection with the accompanying amendment to Deposit Account No. 50-3649.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
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Attorney for Applicant(s)
October 25, 2006

Enclosure: New Abstract
RCE Transmittal
Authorization to charge credit card \$2590 including
\$790 for RCE fee, \$1200 for 6 independent claims in
excess of three (i.e., total 5 independent claims),
and \$600 for 12 claims in excess of 20 (i.e., total
24 claims)

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NEW ABSTRACT

A device and method of recording marks representing data in an information layer of a record carrier includes irradiating the information layer by a pulsed radiation beam, each mark being written by a sequence of pulses. The recorded marks are erasable by irradiating the information layer with an erase radiation beam. The erase radiation beam has a first erase power level (e1) for a first erase period (t1), a second erase power level (e2) higher than or equal to the first erase power level (e1) for a second erase period (t2), and a third erase power level (e3) lower than the second erase power level (e2) for a third erase period (t3).